

GLADYS LOMAX

IBLA 81-1031

Decided August 11, 1983

Appeal from a decision of the Eastern States Office, Bureau of Land Management, rejecting color-of-title application ES 18924.

Affirmed.

1. Color or Claim of Title: Cultivation

The cultivation requirement of a class 1 color-of-title claim is not satisfied if the land is merely grazed or if the land is not reduced to cultivation at the time the application is filed and no evidence is provided to support compliance with the cultivation requirement.

2. Color or Claim of Title: Improvements

Where a color-of-title applicant claims that valuable improvements have been constructed, and an investigation reveals that the only improvements existing at the time the application was filed were an abandoned oil well and certain roads or trails providing access to the property, the application was properly rejected for failing to satisfy the requirement for valuable improvements.

APPEARANCES: Richard L. Wilder, Esq., Bloomington, Indiana, for appellant.

OPINION BY ADMINISTRATIVE JUDGE IRWIN

Gladys Lomax appeals the July 22, 1981, rejection by the Bureau of Land Management (BLM), of her application under the Color of Title Act, 43 U.S.C. § 1068 (1976), to purchase the NW 1/4 NE 1/4 of sec. 33, T. 7 N., R. 1 E., second principal meridian, in Monroe County, Indiana. 1/ Appellant's application was rejected for failure to meet any of the requirements of the Act.

1/ This is appellant's second application. The first, filed in 1973, was rejected by BLM on June 10, 1976, because

The Color of Title Act provides:

The Secretary of the Interior (a) shall, whenever it shall be shown to his satisfaction that a tract of public land has been held in good faith and in peaceful, adverse, possession by a claimant, his ancestors or grantors, under claim or color of title for more than twenty years, and that valuable improvements have been placed on such land or some part thereof has been reduced to cultivation * * * issue a patent for not to exceed one hundred and sixty acres of such land upon the payment of not less than \$1.25 per acre * * *. [2/]

An applicant has the burden of establishing to the Secretary's satisfaction that each of the statutory conditions for purchase has been met. Lester & Betty Stephens, 58 IBLA 14, 19 (1981); Jeanne Pierresteguy, 23 IBLA 358, 362, 83 I.D. 23, 25 (1975).

[1] Appellant's application indicated that the land was cultivated and stated "land used for grazing since purchase." The BLM decision was that grazing alone is not sufficient for cultivation. We agree. The legislative history of the Act specifically so states. 3/ Although the land report indicates that the land had been used "for a small amount of cultivation as evidenced by the abandoned fields," 4/ appellant has offered no evidence to support compliance with the cultivation requirement. Absent such

fn. 1 (continued)

"(1) the claimant has failed to show 'peaceful, adverse' possession for the required period; (2) in an exercise of the discretion delegated by Congress to the Secretary in this type of claim, it has been determined that the public interest in retention of the lands as part of the Hoosier National Forest far outweighs the equities of the claimant. Hamel v. Nelson, 226 F. Supp. 96 (N.D. Cal. 1963)." That decision was upheld by the Board on appeal on the basis of the second reason. The Board did not consider whether the peaceful adverse possession requirement was met. Gladys Lomax, 29 IBLA 146 (1977), petition for reconsideration denied, Nov. 7, 1977.

2/ Applications under this portion of the Act are referred to as class 1 applications. See 43 CFR 2540.0-5(b). Appellant's previous application was a class 2 application under the following language of the Act:

"[O]r (b) may, in his discretion, whenever it shall be shown to his satisfaction that a tract of public land has been held in good faith and in peaceful, adverse, possession by a claimant, his ancestors or grantors, under a claim or color of title for the period commencing not later than January 1, 1901, to the date of application during which time they have paid taxes levied on the land by State and local governmental units, issue a patent for not to exceed one hundred and sixty acres of such land upon the payment of not less than \$1.25 per acre * * *."

3/ S. Rep. No. 588, 83rd Cong., 1st Sess., reprinted in 1953 U.S. Code Cong. & Ad. News 2016.

4/ Land Report of Aug. 29, 1979, at III.F. The Report also states at III.D.: "These fields are covered with moderate stands of brush indicating that no cultivation has taken place for many years."

evidence, the cultivation requirement of the Act is not fulfilled. Lester & Betty Stephens, supra.

Appellant's application also estimated the value of existing structural and cultural improvements added to the property since it was purchased at "\$1000 or more." The BLM decision assumed that this referred to an oil well drilled on the tract in 1960 and concluded: "The oil well is neither an appurtenance nor an enhancement of the surface resources. Therefore, said oil well and its unattached equipment are not improvements as required by the Act." 5/

[2] While we do not necessarily agree that an oil well is not an enhancement of the surface estate, we are not satisfied that appellant has established that valuable improvements existed on the tract at the time of her application. The appraisal report completed in accordance with 43 U.S.C. § 1068a (1976) states that "[t]he property has no improvements which contribute to surface value." 6/ That report also notes that the property could be used for underground storage of natural gas. 7/ Appellant argues that this fact and an oil and gas lease executed by her with the Indiana Gas Company, Inc., in November 1978 demonstrate that the oil well is a valuable improvement. 8/ Valuable improvements must exist at the time of the application, however, Lester & Betty Stephens, supra, and we conclude that the abandoned oil well located on the land in question at the time of her January 1978 application did not satisfy the requirement for valuable improvements under the Act.

Our dissenting colleague argues that the one-lane road that gives access to the tract from Highway 446 to the north and terminates near the southern boundary (Land Report, *supra* at III.C.) is a valuable improvement, citing Virgil H. Menefee, A-30620 (Nov. 23, 1966). In Menefee, however, the land was being used for grazing purposes. The trail provided access to the property from Menefee's adjoining lands and was valuable to him in his grazing activities. In this case a dirt road leads to the area of the abandoned gas well and a trail passes through the property. Neither can be considered a valuable improvement enhancing the value of the land in question.

The 40-acre parcel in question is part of a 255.53-acre tract purchased by appellant in 1960. There is no evidence that the dirt road on the 40-acre parcel was of value to appellant, other than to provide access to the abandoned oil well site. 9/ The section of appellant's statement of reasons relating to "valuable improvements" relates principally to the value of her entire

5/ The "unattached equipment" referred to in the BLM decision was described as "dilapidated tanks" and "unconnected pipes and electric lines." Such movable items cannot be regarded as improvements. Brace C. Curtiss, 11 IBLA 30 (1973).

6/ Appraisal Report, Indiana ESO, ES 18924, Gladys Lomax, Color of Title, dated Dec. 5, 1980, at 6.

7/ Id. at 5.

8/ Appellant's Oct. 7, 1981, statement of reasons at pages 7-8.

9/ Any evidence concerning use of the road after May 1969, in order to establish its value, must be discounted since in her application appellant states that she learned of her defect in title as to the 40 acres in May 1969.

property (255.53 acres) for oil and gas development. Counsel for appellant states at page 8 of the statement of reasons:

While the Division's [BLM] Decision goes into some detail about the deteriorated buildings on the Claimant's real estate and their relative lack of value and also the minimal use of the land for cultivation or grazing purposes, Claimant does not feel that these factors are large in comparison with the demonstrable improvements by way of oil and gas wells existing at various points over the real estate owned by her, including the 40 acre tract which is the subject of this particular claim.

Concerning appellant's use of the land, counsel stated that appellant

purchased this real estate in good faith in 1960 from Perry Deckard for what was at that time a full and adequate price, \$2,000.00. Since acquiring that real estate she has exercised control over it and has from time to time even lived upon that land in a mobile home, and has rented space to others on said real estate. In addition thereto, she has had a small but steady income from Oil and Gas Lessees who have consistently over the years been interested in her property for exploration, production, or storage use.

(Statement of Reasons at 10). In this case the tract has value for forestry, recreation, or oil and gas development purposes. Land Report, supra at III.F.2. The fact that the Indiana Gas Company was constructing a new access road to the oil well from the south in 1979, Land Report, supra at III.D., could be considered as contradicting the claim that the dirt road was a valuable improvement, even for the purpose of oil and gas development.

Because of our conclusion concerning the absence of cultivation or valuable improvements, we do not discuss whether appellant satisfied the other statutory requirements.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision of BLM rejecting appellant's application is affirmed.

Will A. Irwin
Administrative Judge

I concur:

Bruce R. Harris
Administrative Judge

ADMINISTRATIVE JUDGE MULLEN DISSENTING:

Appellant initially filed a color-of-title application pursuant to the Color of Title Act, as amended, 43 U.S.C. § 1068 (1976), and the regulations at 43 CFR Part 2540. Appellant's initial application was for what is defined in the regulations as a class 2 claim (application ES 13026). Following rejection of her class 2 claim appellant appealed the decision to this Board. A decision of this Board was rendered on March 4, 1977. The decision affirming BLM is reported at 29 IBLA 146.

Appellant then filed application under the provisions of the Color of Title Act, as amended, 43 U.S.C. § 1068 (1976), as a class 1 claim. The decision rejecting the class 1 claim is now before the Board.

The color-of-title claim is to 40 acres of land described as the NW 1/4 of the NE 1/4 of sec. 33, T. 7 N., R. 1 E., second principal meridian, Monroe County, Indiana. This land is administered by the United States Department of Agriculture, Forest Service (FS), as a part of the Wayne-Hoosier National Forest. The land was withdrawn from entry in 1967 at the time that it was included in said national forest by Public Land Order (PLO) No. 4160. 32 FR 3021 (Feb. 17, 1967). The tract in question is bounded on two sides by acquired lands administered by FS and bounded on two sides by fee property owned by appellant. Appellant lives on the adjacent property owned by her and, until the transfer of this previously isolated tract to FS, operated this land and the adjacent land as a unit.

The provisions of 43 U.S.C. § 1068 (1976) contain the basis for both the class 1 and class 2 color-of-title claims. 1/ 43 CFR 2540.0-5 defines a

1/ The provisions of 43 U.S.C. § 1068 (1976) are as follows:

"§ 1068. Lands held in adverse possession; issuance of patent; reservation of minerals; conflicting claims

"The Secretary of the Interior (a) shall, whenever it shall be shown to his satisfaction that a tract of public land has been held in good faith and in peaceful, adverse, possession by a claimant, his ancestors or grantors, under claim or color of title for more than twenty years, and that valuable improvements have been placed on such land or some part thereof has been reduced to cultivation, or (b) may, in his discretion, whenever it shall be shown to his satisfaction that a tract of public land has been held in good faith and in peaceful, adverse, possession by a claimant, his ancestors or grantors, under claim or color of title for the period commencing not later than January 1, 1901, to the date of application during which time they have paid taxes levied on the land by State and local governmental units, issue a patent for not to exceed one hundred and sixty acres of such land upon the payment of not less than \$1.25 per acre: Provided, That where the area so held is in excess of one hundred and sixty acres the Secretary may determine what particular subdivisions, not exceeding one hundred and sixty acres, may be patented hereunder: Provided further, That coal and all other minerals contained therein are hereby reserved to the United States; that said coal and other minerals shall be subject to sale or disposal by the United States under applicable leasing and mineral land laws, and permittees, lessees, or grantees of the United States shall have the right to enter upon said lands

claim of class 1 as "one which has been held in good faith and in peaceful adverse possession by a claimant, his ancestors or grantors, under claim or color of title for more than 20 years, on which valuable improvements have been placed, or on which some part of the land has been reduced to cultivation." The July 22, 1981, BLM decision rejecting appellant's application addressed each particular of the proof necessary for a valid class 1 claim pursuant to 43 U.S.C. § 1068 (1976). It was found that: (1) Appellant offered no evidence of good faith, (2) appellant failed to show sufficient adverse possession, (3) appellant failed to show adverse possession for the requisite 20 years, (4) appellant failed to show that valuable improvements had been placed on the land, and (5) that appellant had failed to show cultivation sufficient to meet the standards. The application was rejected for "failure by the applicant to show to the satisfaction of the Secretary of the Interior compliance with the requirements of the Color of Title Act." Appellant's statement of reasons addresses each of these elements.

An applicant under the Color of Title Act has the burden to establish to the Secretary of the Interior's satisfaction that the statutory conditions for purchase under the Act have been met. Jeanne Pierresteguy, 23 IBLA 358, 83 I.D. 23 (1975); Homer W. Mannix, 63 I.D. 249, 251 (1956). A failure to carry the burden of proof with respect to one of the elements is fatal to the application. The applicant must establish that each of the requirements for a class 1 claim has been met. Lester Stephens, 58 IBLA 14 (1981). Each of the requirements which must be met were addressed in the BLM opinion and in the statement of reasons filed by the appellant. The question before the Board is whether or not appellant carried the burden of proof necessary to satisfy the statutory conditions. My colleagues have chosen not to discuss the other requirements. However, this does not preclude my doing so.

The basis for determination by BLM that appellant had failed to show good faith was the fact that she had purchased the property in 1960. The decision states in part that "the applicant has claimed the property for only 9 years under the good faith assumption that she held clear title, therefore, she must rely on the good faith adverse possession of her predecessors in title for 11 years preceeding 1960." It was held that the appellant failed to offer evidence of same (Decision at 2). The decision makes reference to and acknowledges appellant's previous filing. An abstract of title which was originally filed with regard to the first application was also filed in support of the second application. The BLM decision in the first case stated that "[t]he claim is based on a chain of title which originated in a warranty deed dated October 23, 1885." Appellant also submitted an affidavit with respect to payment of taxes. Since the BLM opinion recognizes that appellant held the land in good faith, the only question is what proof is necessary to "tack on" the predecessor's period of holding in good faith. It is well

fn. 1 (continued)

for the purpose of prospecting for and mining such deposits: And provided further, That no patent shall issue under the provisions of this chapter for any tract to which there is a conflicting claim adverse to that of the applicant, unless and until such claim shall have been finally adjudicated in favor of such applicant. Dec. 22, 1928, c. 47, § 1, 45 Stat. 1069; July 28, 1953, c. 254, § 1, 67 Stat. 227."

established that a claimant may tack on to his own period of possession a period when the land was possessed by his predecessors in title, but if this is done, then their good faith must also be established. Lawrence E. Willmorth, 32 IBLA 378 (1977); Mabel M. Farlow, 30 IBLA 320, 84 I.D. 276 (1977). The claim of title for the period in question shows that a Clifford Arthur obtained one-half of the property through inheritance from his father "William Arter [sic]" who acquired the property in 1885. The other half was obtained from his brother, the only other heir, in 1934. In June 1949 Clifford Arthur conveyed the property to Perry Decker by warranty deed. Perry Decker in turn conveyed the property to the appellant in 1960 by warranty deed. While none of these factors themselves would demonstrate good faith, this case is clearly unlike that relied upon and cited in the BLM decision. In Mable M. Farlow, *supra*, the appellant's predecessor had applied for a grazing lease on the land and there was reason to believe that the Farlow's predecessor in interest could not have reasonably believed that the land in question was owned by him. In this case the land had been held by appellant's predecessors for 82 years. During this time taxes had been paid, the property was transferred by warranty deed and mortgaged, it had been leased to others, roads had been built, and an oil well had been drilled. There was no evidence that appellant and her predecessors did not have a good faith belief that the property was owned by them. I hold that there was good faith belief on the part of appellant and her predecessors.

The class 2 claim was also rejected by BLM because of appellant's failure to demonstrate the required incidents of peaceful adverse possession. This requires that appellant and her predecessors in title were in actual, exclusive, continuous, open, and notorious possession of the land. Beaver v. United States, 350 F.2d 4, 9-10 (9th Cir. 1965), *cert. denied*, 383 U.S. 937 (1966); Lawrence E. Willmorth, *supra*; Harold C. Rosenbaum, 5 IBLA 76, 82, 79 I.D. 38, 41 (1972).

The BLM opinion noted that the determination that appellant failed to show the requisites of peaceful adverse possession with respect to her class 2 application and reached the same conclusion in its determination with respect to her class 1 application. The opinion noted that payment of taxes on the property since 1885 is insufficient in itself to establish adverse possession. Additional facts in this case have bearing on the determination, however. Appellant has used the property for pasturage of cattle. BLM has noted that appellant's pasturage of cattle on unfenced land is insufficient. As a rule, I agree. However, appellant has submitted additional information regarding the possession of the property by appellant and her predecessor in interest. During the period from 1940 to 1969, the owners of the property executed and recorded three oil and gas leases with third parties naming the property as leased property. Roads were constructed on the property and a well was drilled which produced four barrels of oil per day. When appellant purchased the property a warranty deed and mortgage were executed and recorded. Separately, none of these elements prove open and adverse possession. However, in this case the collective use demonstrates that the possession of the land was peaceful, open, and notorious.

The good faith, peaceful, adverse possession by the claimant must have been for a period of 20 years. 43 U.S.C. § 1068 (1976). BLM correctly found that the period was tolled in 1969. In order to qualify one must hold

the property for the requisite period of 20 years under color of title. While this Board has held that holding under a tax redemption certificate does not establish color of title because a redemption certificate does not purport to convey title (Lena A. Warner, 11 IBLA 102 (1973)), appellant received a valid color of title when the property was transferred to her by warranty deed in 1960. Her predecessor, Decker, gained color of title through a warranty deed in June 1949. His predecessor in interest, Clifford Arthur, inherited one-half interest in the property from his parents, who acquired the land in 1885, by warranty deed. The other one-half was conveyed to him by his brother in 1934 by warranty deed. Lester J. Hamel, 74 I.D. 125 (1967), cited by BLM in its decision, is not applicable in this case as it pertains to the color-of-title provisions as the land sought in the Hamel case was "acquired land," not "public lands" within the meaning of the Color of Title Act. As stated previously, the color-of-title claim for the requisite number of years can be established by "tacking on." See Lawrence E. Willmorth, *supra*. Appellant has established that the property has been held under color of title by appellant and her predecessor in interest for the requisite period.

In order to satisfy the requirements, there must be a showing that valuable improvements exist on the land or it must be shown that the land has been reduced to cultivation. Lester Stephens, *supra*. If the land was once cultivated, but is not cultivated at the time the application was filed and has not been cultivated for 10 years previously, the cultivation requirement has not been satisfied. Mable M. Farlow, *supra*. As noted in the majority opinion, the land was used for grazing purposes. I agree with the majority opinion that this does not satisfy the "cultivation" requirement. In the status reports prepared at the time of the original application it was noted that while there was some evidence of small cultivated fields, these fields had been abandoned. Applicant presented no evidence that there had been cultivation in the preceeding 10 years. I, therefore, conclude that appellant failed to carry her burden of proof with respect to the land being cultivated.

The lack of cultivation is not fatal if the applicant can show sufficient improvement, as the Act provides for improvements or cultivation. Margaret H. Erling, A-30437 (Dec. 16, 1965); Lewis J. H. Bockholt, A-27906 (May 4, 1959). The improvements must be on the land at the time of the application. Lester Stephens, *supra*; Mable Farlow, *supra*; Lena A. Warner, *supra*; Arthur Baker, 64 I.D. 87 (1957). The applicant need not have made the improvement, however, as improvements made by a predecessor in title will be accepted, so long as they remain in existence when the application is filed. Lillian Zellmer Shaslein, A-28198 (Apr. 19, 1960).

The Color of Title Act as originally passed in 1928 authorized the Secretary of the Interior, in his discretion, to issue patent to land held under color of title. The Secretary requested the introduction of the legislation and stated in his letter requesting the legislation that "[n]umerous cases have arisen where lands have been held and occupied in good faith for a long period of time under a chain of title found defective, and in many instances valuable improvements have been placed on the land in the belief that the title was good." H.R. Rep. No. 1727, 70th Cong., 1st Sess. (1928) (emphasis added).

This legislation was amended in 1953. The purpose of the amendment was to "liberalize the Color of Title Act so as to permit and require the Secretary to issue patent to those holding under color of title." S. Rep. No. 588, 83rd Cong., 1st Sess., reprinted in 1953 U.S. Code Cong. & Ad. News 2014 (emphasis added). The bill requires the Secretary of the Interior to "issue patents to all those who have held lands * * * for more than 20 years, and who have cultivated or made valuable improvements on it." Ibid.

The Color of Title Act did not state that the improvements must have a specific value. Cf. 30 U.S.C. § 29 (1976). Therefore, it is important to determine what is an improvement, as contemplated by the Act.

An improvement includes (but is not limited to) any structure of a permanent nature placed upon the land which tends to increase the value of the land. Brace C. Curtiss, 11 IBLA 30 (1973); Stanley C. Haynes, 73 I.D. 373 (1966). BLM cited Virgil H. Menefee, A-30620 (Nov. 23, 1966), in its decision. The Menefee decision had a discussion of what constituted a valuable improvement which we find helpful in this matter. The Department stated therein:

How "valuable" an improvement must be to be considered a "valuable improvement" under the Color of Title Act has never been delineated and perhaps cannot be prescribed in any formula applicable to all factual situations. There are two criteria, however, which have been set forth in Departmental decisions in determining whether there is a valuable improvement: one is whether the improvement does enhance the value of the land; the second is whether the improvement is ascertainable at the time the application is filed. Thus, in an early case under the Color of Title Act, Ben S. Miller, 55 I.D. 73 (1934), it was held that the clearing of brush and other actions to promote the growth of timber and lessen fire hazards, or to make the land tillable, and the diversion of water from swampy land to make it reclaimable constituted a valuable improvement within the meaning of the act. However, in Helen M. Forsyth et al., A-25365 (November 30, 1948), it was held that the mere cutting of under brush would not be considered a valuable improvement in the absence of a showing that it made the land more usable for agricultural purposes, promoted the growth of timber, lessened the hazards of fire, or achieved some other objective which would constitute a valuable improvement.

I note that in the case now before us BLM relied upon Elsie V. Farington, 9 IBLA 191 (1973), as a basis for its determination that the improvements placed on the land were insufficient in value to meet the valuable improvements test. After reading Farington I do not believe it proper to use Farington as a basis for concluding that the value of the improvements placed on the property was insufficient to demonstrate the existence of valuable improvements. The Farington application was denied by reason of Farington's failure to sufficiently demonstrate a color of title. Reference to the value of the structures and the condition of the structures was made with respect to a previous decision and no discussion could be found with respect to the degree of disrepair.

Appellant claims that there are physical improvements on the land. The improvements claimed are in the form of an oil and gas well or drilling site. She claimed that the well could be used for underground storage of natural gas and possible production of "stripper" petroleum. There appears to be no dispute with respect to the existence of this structure, as they are mentioned in the opinion and shown on the site plot prepared by BLM in connection with its appraisal. The well was noted in the report as having been drilled around 1960. Photographs of the "old road" and "two old storage tanks" were also submitted by BLM. The roads in question were sufficiently improved to appear on the topographic map used by BLM to show the location of the property.

The road described in the Menefee case was referred to by BLM as a mere trail. The report in that case stated that "it did not meet minimum requirements of an 'improved road' that it is not necessary for access and did not involve any substantial cost of construction." Virgil H. Menefee, supra at 2. The road in this case is also a one-lane road. It gives access to the land in question from Highway No. 446 to the north and terminates near the southern boundary as noted in footnote 9 of the majority opinion. The majority opinion fails to note, however, that at the point it joins Highway No. 446, it is on appellant's fee property and it crosses the fee property to the point at which it enters the land in question. In the Menefee case, Menefee asserted "that the road or trail on the land has increased the value of the property by providing access to the land, and by enabling him to carry range salt to cattle or to check cattle by use of a jeep on the land." Virgil H. Menefee, supra at 2. The appraisal report in this case notes that at the time Indiana Gas discovered the cloud on the title in 1979 the well was capable of producing four barrels of oil per day and that Indiana Gas was in the process of reworking the well to increase production. The property had been leased for oil and gas production since 1938 and the road was being used by the lessee. The Menefee case held:

The usefulness and value of the trail (or road) are somewhat questionable in light of the reports by the Bureau field examiners describing it. However, there is no reason to doubt appellant's assertions as to his use of the road in connection with grazing activities and it appears that the land does have value for that purpose, there being little other value apparent from the record before us. If, as appellant asserts, the road is valuable to him in connection with the grazing activities, it appears that it has enhanced the value of the land to that extent. From the present record then, the two criteria mentioned above are satisfied. Therefore, we do not believe that the reason given by the Bureau for rejecting appellant's application is supportable by the record, and conclude that further consideration should be given to his application to ascertain whether it is acceptable in other respects.

Virgil H. Menefee, supra at 4. It is my opinion that the road in this case has been shown to be of greater value than that in the Menefee case and should be considered to be sufficient improvement to meet the intent of the Act. As the majority opinion noted, the land was being used for grazing purposes. In light of their decision and the fact that my colleagues have not

chosen to overturn the Menefee case, a petition for reconsideration showing that the road was also used to carry salt to and to check appellants cattle (as well as any other use of the road prior to 1967) may be warranted.

It is my opinion that appellant has carried the burden of proof that she and her predecessor in interest have held the property in good faith and in peaceful, adverse possession, under color of title for more than 20 years, and that valuable improvements have been placed on the land.

R. W. Mullen
Administrative Judge

